



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION  
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WASHINGTON D.C. 20554

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DA No. 12-2088

Report No. TEL-01596

Thursday December 27, 2012

## International Authorizations Granted

### Section 214 Applications (47 C.F.R. § 63.18); Section 310(b)(4) Requests

The following applications have been granted pursuant to the Commission's streamlined processing procedures set forth in Section 63.12 of the Commission's rules, 47 C.F.R. § 63.12, other provisions of the Commission's rules, or procedures set forth in an earlier public notice listing applications accepted for filing.

Unless otherwise noted, these grants authorize the applicants (1) to become a facilities-based international common carrier subject to 47 C.F.R. § 63.22; and/or (2) to become a resale-based international common carrier subject to 47 C.F.R. § 63.23; or (3) to exceed the 25 percent foreign ownership benchmark applicable to common carrier radio licensees under 47 U.S.C. § 310(b)(4).

THIS PUBLIC NOTICE SERVES AS EACH NEWLY AUTHORIZED CARRIER'S SECTION 214 CERTIFICATE. It contains general and specific conditions, which are set forth below. Newly authorized carriers should carefully review the terms and conditions of their authorizations. Failure to comply with general or specific conditions of an authorization, or with other relevant Commission rules and policies, could result in fines and forfeitures.

Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's rules in regard to the grant of any of these applications may be filed within thirty days of this public notice (see Section 1.4(b)(2)).

An updated version of Sections 63.09-.25 of the rules, and other related sections, is available at <http://www.fcc.gov/ib/pd/pf/telecomrules.html>.

For additional information, please contact the FCC Reference and Information Center, Room CY-A257, 445 12th Street SW, Washington, D.C. 20554, (202) 418-0270.

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**ISP-PDR-20120913-00005** P Truphone, Inc.  
Petition for Declaratory Ruling  
Grant of Authority Date of Action: 12/26/2012

Truphone, Inc. (TI) and its 100 percent direct parent, Truphone Limited (Truphone, and together with TI, "Petitioners"), request that the Commission modify the existing declaratory ruling issued to SmartCall, LLC (SmartCall) and its wholly-owned, direct subsidiary, iSmart Mobile, LLC (iSmart), under section 310(b)(4) of the Communications Act of 1934, as amended (the "Act"). Petitioners filed the instant petition for declaratory ruling in connection with additional foreign investment in Truphone.

SmartCall and iSmart are limited liability companies organized in Delaware. TI is a Delaware corporation that owns all of the membership interests in SmartCall. Vollin Holdings Limited (Vollin), an entity organized in the British Virgin Islands, holds a controlling equity and voting interest directly in Truphone, a company organized in the United Kingdom. Vollin is wholly owned by Whiteclif Enterprises Limited (Whiteclif), also organized in the British Virgin Islands. Whiteclif, in turn, is wholly owned by two Russian citizens, Alexander Abramov (greater than 50 percent interest) and Alexander Frolov (less than 50 percent interest). The United Kingdom, the British Virgin Islands, and the Russian Federation are all Members of the World Trade Organization (WTO).

The existing section 310(b)(4) ruling for SmartCall and iSmart authorizes their 100 percent indirect foreign ownership (through their controlling U.S. parent, TI) by Truphone and its foreign shareholders. See Public Notice, International Authorizations Granted, DA 12-1445, 27 FCC Rcd 10884, 10885 (IB 2012) (granting File No. ISP-PDR-20111020-00011). The ruling permits SmartCall and iSmart to be owned indirectly, through their controlling U.S. parent, TI, by Truphone (individually, up to and including 100% of the equity and voting interests); Vollin and Whiteclif (individually and collectively, up to and including 75.39% of the equity and voting interests); and Alexander Abramov and Alexander Frolov (collectively, up to and including 75.39% of the equity and voting interests through their respective interests in Whiteclif). Under the ruling, SmartCall and iSmart shall obtain Commission approval before either Mr. Abramov or Mr. Frolov increases his existing equity and/or voting interest in SmartCall or iSmart.

In the instant petition, TI and Truphone seek authorization for additional funding from Mr. Abramov and Mr. Frolov through Vollin up to 82.66%. The additional funding will be done in three steps. On September 14, 2012, without prior Commission approval, Vollin increased its ownership in Truphone to 80.59%. Vollin proposes to increase its ownership on January 2, 2013 to 82.27%. Finally, Vollin proposes to increase its ownership in Truphone on March 14, 2013 to 82.66%.

Pursuant to the rules and policies established by the Commission's Foreign Participation Order, 12 FCC Rcd 23891 (1997), Order on Reconsideration, 15 FCC Rcd 18158 (2000), we find that it would not serve the public interest to prohibit the indirect foreign ownership of SmartCall and iSmart in excess of the 25 percent benchmark in section 310(b)(4) of the Act. Specifically, this ruling permits SmartCall and iSmart to be owned indirectly, through their controlling U.S. parent, TI, by Truphone (individually, up to and including 100% of the equity and voting interests); Vollin and Whiteclif (individually and collectively, up to and including 82.66% of the equity and voting interests); and Alexander Abramov and Alexander Frolov (collectively, up to and including 82.66% of the equity and voting interests through their respective interests in Whiteclif). This ruling also authorizes SmartCall and iSmart to have up to and including an additional, aggregate 25 percent indirect equity and/or voting interests from other foreign investors without seeking prior Commission approval under section 310(b)(4) subject to the requirements that SmartCall and iSmart obtain Commission approval before any such foreign investor acquires individually an indirect equity and/or voting interest in excess of 25 percent and before aggregate indirect foreign investment from non-WTO Member countries exceeds 25 percent. SmartCall and iSmart shall also obtain Commission approval before either Mr. Abramov or Mr. Frolov increases his existing equity and/or voting interest in SmartCall or iSmart.

Grant of this declaratory ruling is without prejudice to any enforcement action by the Commission for non-compliance with the Communications Act of 1934, as amended, or the Commission's rules.

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**ITC-214-20120907-00220** E NHLT, Inc.  
International Telecommunications Certificate  
**Service(s):** Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service  
Grant of Authority Date of Action: 12/26/2012

Application for authority to provide facilities-based service in accordance with section 63.18(e)(1) of the Commission's rules, and also to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(1), (2).

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**ITC-214-20121101-00273** E Clear Call Telecom Inc.  
International Telecommunications Certificate  
**Service(s):** Global or Limited Global Resale Service  
Grant of Authority Date of Action: 12/21/2012

Application for authority to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(2).

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**ITC-214-20121101-00279** E E-N Computers, Inc.  
International Telecommunications Certificate  
**Service(s):** Global or Limited Global Resale Service  
Grant of Authority Date of Action: 12/21/2012

Application for authority to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(2).

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**ITC-214-20121126-00312** E Telepars Telecommunications Corp.  
International Telecommunications Certificate  
**Service(s):** Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service  
Grant of Authority Date of Action: 12/21/2012

Application for authority to provide facilities-based service in accordance with section 63.18(e)(1) of the Commission's rules, and also to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(1), (2).

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**ITC-214-20121203-00316** E TelWeb Communications LLC  
International Telecommunications Certificate  
**Service(s):** Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service  
Grant of Authority Date of Action: 12/21/2012

Application for authority to provide facilities-based service in accordance with section 63.18(e)(1) of the Commission's rules, and also to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(1), (2).

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**ITC-ASG-20121019-00281** E Signal Point Corp.  
Assignment  
Grant of Authority Date of Action: 12/21/2012

**Current Licensee:** RNK, Inc.

**FROM:** RNK, Inc.

**TO:** Signal Point Corp.

Application filed for consent to the assignment of international section 214 authorizations, ITC-214-20040930-00397 and ITC-214-20000131-00045, from RNK, Inc. (RNK) to Signal Point Corp. (Signal Point).

On February 17, 2012, RNK, its parent Wave2Wave Communications, Inc. (Wave2Wave), and its affiliates filed for Chapter 11 bankruptcy in the U.S. Bankruptcy Court, District of New Jersey, see In re, Wave2Wave Communications, Inc. et al., Case No. 12-13896 (DHS), Dist. of NJ, Newark Vicinage (2012) (Bankruptcy Proceeding). On September 27, 2012, the bankruptcy court approved the sale of substantially all of the assets of RNK and Wave2Wave, including RNK's international section 214 authorizations. See Bankruptcy Proceeding Order Authorizing the Debtors to Sell Substantially All of Their Assets Free and Clear of All Liens, Claims and Interest; Authorizing the Debtors to Assume and Assign Certain Executory Contracts and Unexpired Leases (filed Sept. 27, 2012) (Bankruptcy Sale Order). On September 28, 2012, Signal Point purchased certain customer accounts and receivables, customer agreements and contracts, vendor agreements and contracts, real property interests, equipments and facilities, intellectual property, and, subject to FCC approval, international section 214 authorizations. Upon closing, Signal Point began providing services to its newly acquired customers pursuant to international section 214 authorizations, ITC-214-20040930-00397 and ITC-214-20000131-00045.

Signal Point is wholly owned by Signal Point Holding Corp. Robert DePalo, a U.S. citizen, has a 93.7% ownership interest in Signal Point Holding Corp.

Signal Point filed a request for special authority (STA) related to this transaction, ITC-STA-20121113-00308, which was granted on November 27, 2012.

This authorization is without prejudice to the Commission's action in any other related pending proceedings.

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ITC-ASG-20121116-00310 E

Bright House Networks Information Services (Florida), LLC

Assignment

Grant of Authority

Date of Action: 12/21/2012

**Current Licensee:** Telovations, Inc.

**FROM:** Telovations, Inc.

**TO:** Bright House Networks Information Services (Florida), LLC

Application filed for consent to the assignment of international section 214 authorization, ITC-214-20090525-00246, from Telovations, Inc. (Telovations) to Bright House Networks Information (Florida) LLC (BHNIS). BHNIS will purchase all of the assets of Telovations, including its customer base and international section 214 authorization. Upon closing, BHNIS will provide international section 214 services pursuant to its newly acquired 214 authorization, ITC-214-20090525-00246, under brand name Telovations, Inc.

BHNIS is a wholly owned subsidiary of Bright House Networks, LLC, which is a wholly-owned subsidiary of Time Warner-Advance/Newhouse Partnership (TWE-A/N). Time Warner Cable Enterprises LLC (TWCE), an indirect wholly-owned subsidiary of Time Warner Cable, Inc., a widely-held publicly-traded corporation, holds a 66.67% equity interest in TWE-A/N but does not exercise control or management rights. Advance /Newhouse Partnership, a NY partnership, holds a 33.33% equity interest in TWE-A/N and exercises control and management rights, and holds contractual power to designate 100% of the individuals in the partnership that exercise functions similar to those exercised by directors of a corporation. Newhouse Broadcasting Corporation (NBCo) holds 61.24% of the equity in Advance/Newhouse Partnership. S.I. Newhouse, Jr., and Donald E. Newhouse, both U.S. citizens, indirectly hold 24% interests in BHNIS, through their interests in NBCo. Newark Morning Ledger Co. holds an indirect 38.76% interest in Advance/Newhouse Partnership. Newark Morning Ledger Co. is 100% indirectly owned by Advance Publications, Inc. (API). No individual or entity holds directly or indirectly a 10% or greater equity or voting interest in API. No other individuals or entities with have a ten percent or greater direct or indirect equity of voting interest in BHNIS.

This authorization is without prejudice to the Commission's action in any other related pending proceedings.

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## CONDITIONS APPLICABLE TO INTERNATIONAL SECTION 214 AUTHORIZATIONS

(1) These authorizations are subject to the Exclusion List for International Section 214 Authorizations, which identifies restrictions on providing service to particular countries or using particular facilities. The most recent Exclusion List is attached to this Public Notice. The list applies to all U.S. international carriers, including those that have previously received global or limited global Section 214 authority, whether by Public Notice or specific written order. Carriers are advised that the attached Exclusion List is subject to amendment at any time pursuant to the procedures set forth in Streamlining the International Section 214 Authorization Process and Tariff Requirements, IB Docket No. 95-118, 11 FCC Rcd 12884 (1996), para. 18. A copy of the current Exclusion List will be maintained in the FCC Reference and Information Center and will be available at <http://www.fcc.gov/ib/pd/pf/telecomrules.html#exclusionlist>. It also will be attached to each Public Notice that grants international Section 214 authority.

(2) The export of telecommunications services and related payments to countries that are subject to economic sanctions may be restricted. For information concerning current restrictions, call the Office of Foreign Assets Control, U.S. Department of the Treasury, (202) 622-2520.

(3) Carriers shall comply with the requirements of Section 63.11 of the Commission's rules, which requires notification by, and in certain circumstances prior notification by, U.S. carriers acquiring an affiliation with foreign carriers. A carrier that acquires an affiliation with a foreign carrier will be subject to possible reclassification as a dominant carrier on an affiliated route pursuant to the provisions of Section 63.10 of the rules.

(4) Carriers shall comply with the Commission's International Settlements Policy and associated filing requirements contained in Sections 43.51, 64.1001 and 64.1002 of the Commission's Rules, 47 C.F.R. §§ 43.51, 64.1001, 64.1002. The Commission modified these requirements most recently in International Settlements Policy Reform: International Settlement Rates, First Report and Order, FCC 04-53, 19 FCC Rcd 5709 (2004). In addition, any carrier interconnecting private lines to the U.S. public switched network at its switch, including any switch in which the carrier obtains capacity either through lease or otherwise, shall file annually with the Chief, International Bureau, a certified statement containing, on a country-specific basis, the number and type (e.g., 64 kbps circuits) of private lines interconnected in such manner. The Commission will treat the country of origin information as confidential. Carriers need not file their contracts for interconnection unless the Commission specifically requests. Carriers shall file their annual report on February 1 (covering international private lines interconnected during the preceding January 1 to December 31 period) of each year. International private lines to countries which the Commission has exempted from the International Settlements Policy at any time during a particular reporting period are exempt from this requirement. See 47 C.F.R. § 43.51(d). The Commission's list of U.S. international routes that are exempt from the International Settlements Policy may be viewed at [http://www.fcc.gov/ib/pd/pf/isp\\_exempt.html](http://www.fcc.gov/ib/pd/pf/isp_exempt.html).

(5) Carriers authorized to provide private line service either on a facilities or resale basis are limited to the provision of such private line service only between the United States and those foreign points covered by their referenced applications for Section 214 authority. A carrier may provide switched services over its authorized resold private lines in the circumstances specified in Section 63.23(d) of the rules, 47 C.F.R. § 63.23(d).

(6) A carrier may engage in "switched hubbing" to countries that do not appear on the Commission's list of U.S. international routes that are exempt from the International Settlements Policy, set forth in Section 64.1002, 47 C.F.R. § 64.1002, provided the carrier complies with the requirements of Section 63.17(b) of the rules, 47 C.F.R. § 63.17(b). The Commission's list of U.S. international routes that are exempt from the International Settlements Policy may be viewed at [http://www.fcc.gov/ib/pd/pf/isp\\_exempt.html](http://www.fcc.gov/ib/pd/pf/isp_exempt.html).

(7) Carriers shall comply with the "No Special Concessions" rule, Section 63.14, 47 C.F.R. § 63.14.

(8) Carriers regulated as dominant for the provision of a particular communications service on a particular route for any reason other than a foreign carrier affiliation under Section 63.10 of the rules shall file tariffs pursuant to Section 203 of the Communications Act, as amended, 47 U.S.C. § 203, and Part 61 of the Commission's Rules, 47 C.F.R. Part 61. Carriers shall not otherwise file tariffs except as permitted by Section 61.19 of the rules, 47 C.F.R. § 61.19. Except as specified in Section 20.15 with respect to commercial mobile radio service providers, carriers regulated as non-dominant, as defined in Section 61.3, and providing detariffed international services pursuant to Section 61.19, must comply with all applicable public disclosure and maintenance of information requirements in Sections 42.10 and 42.11.

(9) Carriers shall file the annual reports of overseas telecommunications traffic required by Section 43.61(a). Carriers shall also file the quarterly reports required by Section 43.61 in the circumstances specified in paragraphs (b) and (c) of

that Section.

(10) Carriers shall file annual reports of circuit status and/or circuit additions in accordance with the requirements set forth in Rules for Filing of International Circuit Status Reports, CC Docket No. 93-157, Report and Order, 10 FCC Rcd 8605 (1995). See 47 C.F.R. § 43.82. See also §§ 63.22(e), 63.23(e). These requirements apply to facilities-based carriers and private line resellers, respectively. See also <http://www.fcc.gov/ib/pd/pf/csmanual.html>.

(11) Carriers should consult Section 63.19 of the rules when contemplating a discontinuance, reduction or impairment of service. Further, the grant of these applications shall not be construed to include authorization for the transmission of money in connection with the services the applicants have been given authority to provide. The transmission of money is not considered to be a common carrier service.

(12) If any carrier is reselling service obtained pursuant to a contract with another carrier, the services obtained by contract shall be made generally available by the underlying carrier to similarly situated customers at the same terms, conditions and rates. 47 U.S.C. § 203.

(13) To the extent the applicant is, or is affiliated with, an incumbent independent local exchange carrier, as those terms are defined in Section 64.1902 of the rules, it shall provide the authorized services in compliance with the requirements of Section 64.1903.

(14) Except as otherwise ordered by the Commission, a carrier authorized here to provide facilities-based service that (i) is classified as dominant under Section 63.10 of the rules for the provision of such service on a particular route and (ii) is affiliated with a carrier that collects settlement payments for terminating U.S. international switched traffic at the foreign end of that route may not provide facilities-based switched service on that route unless the current rates the affiliate charges U.S. international carriers to terminate traffic are at or below the Commission's relevant benchmark adopted in International Settlement Rates, IB Docket No. 96-261, Report and Order, 12 FCC Rcd 19806 (1997). See also Report and Order on Reconsideration and Order Lifting Stay in IB Docket No. 96-261, FCC 99-124 (rel. June 11, 1999). For the purposes of this rule, "affiliated" and "foreign carrier" are defined in Section 63.09.

#### Exclusion List for International Section 214 Authorizations

The following is a list of countries and facilities not covered by grant of global Section 214 authority under Section 63.18(e)(1) of the Commission's Rules, 47 C.F.R. § 63.18(e)(1). In addition, the facilities listed shall not be used by U.S. carriers authorized under Section 63.18 of the Commission's Rules unless the carrier's Section 214 authorization specifically lists the facility. Carriers desiring to serve countries or use facilities listed as excluded hereon shall file a separate Section 214 application pursuant to Section 63.18(e)(3) of the Commission's Rules. See 47 C.F.R. § 63.22(c).

#### Countries:

Cuba (Applications for service to Cuba shall comply with the separate filing requirements of the Commission's Public Notice, DA 10-112, dated January 21, 2010, "Modification of Process to Accept Applications for Service to Cuba and Related Matters.")

#### Facilities:

All non-U.S.-licensed satellite systems that are not on the Permitted Space Station List, maintained at <http://www.fcc.gov/ib/sd/se/permitted.html>. See International Bureau Public Notice, DA 99-2844 (rel. Dec. 17, 1999).

This list is subject to change by the Commission when the public interest requires. Before amending the list, the Commission will first issue a public notice giving affected parties the opportunity for comment and hearing on the proposed changes. The Commission may then release an order amending the exclusion list. This list also is subject to change upon issuance of an Executive Order. See Streamlining the Section 214 Authorization Process and Tariff Requirements, IB Docket No. 95-118, FCC 96-79, 11 FCC Rcd 12,884, released March 13, 1996 (61 Fed. Reg. 15,724, April 9, 1996). A current version of this list is maintained at <http://www.fcc.gov/ib/pd/pf/telecomrules.html#exclusionlist>.

For additional information, contact the International Bureau's Policy Division, (202) 418-1460.